2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Ukraine

The present national report is prepared for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to cover the period since the previous Conference was held, in 2005.

Article I

1. Ukraine considers the Nuclear Non-Proliferation Treaty to be a cornerstone of the global non-proliferation regime and a significant basis for the pursuit of nuclear disarmament goals.

2. Ukraine does not possess the nuclear weapon or nuclear explosive devices. There are no nuclear weapons or nuclear explosive devices deployed on the territory of Ukraine under its jurisdiction.

3. Ukraine firmly believes that the nuclear-weapon States parties continue the appropriate implementation of the obligations stated in article I. The measures on the reduction of the nuclear States' arsenal, as well as minimizing the political and military importance of that category of weapon, play a crucial role on the way to non-proliferation.

Article II

4. Ukraine fully complies with the commitments under the Treaty, namely not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices, directly or indirectly. Ukraine does not manufacture or acquire nuclear weapons or other nuclear explosive devices.

5. Ukraine believes that implementation of the multilateral initiatives is vital for strengthening the global non-proliferation system. Ukraine, as a participant State in the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, acts together with the other countries to strengthen physical nuclear

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security and enhance national capabilities to prevent and detect illicit nuclear trafficking.

6. In October 2007, within the Non-Proliferation Security Initiative, Ukraine, in cooperation with Poland and Romania, conducted on its territory the multilateral military exercises Eastern Shield 2007 to practise the interception of suspicious cargos in maritime, air, railway and road transportation during potential terrorist use of the weapon of mass destruction. This event was an important step towards the improvement of international cooperation to combat common threats and sustain security in Eastern Europe.

7. In 2009 Ukraine initiated the adoption of the Ministerial Declaration on Non-Proliferation by the Ministerial Council of the Organization for Security and Cooperation in Europe at the seventeenth OSCE ministerial meeting, held in Athens on 2 December 2009.

Article III

8. Ukraine, as a co-founder member of the International Atomic Energy Agency (IAEA), supports its activities in the field of non-proliferation of nuclear weapons and related materials, and facilitates the strengthening of the IAEA safeguards system. In 1995 Ukraine signed and in 1998 ratified the Agreement between Ukraine and IAEA for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. In 2000 Ukraine signed the Additional Protocol to the Agreement between Ukraine and the Agency for the Application of Safeguards in connection with the Treaty and ratified it in 2006. Ukraine acts in a full compliance with the provisions of the aforementioned instruments.

9. Ukraine supports the efforts of the international community to achieve the universality of the Additional Protocol, and calls on the States which have not yet done so to sign and ratify the Protocol as soon as possible. Ukraine considers the Agreement with IAEA and the Additional Protocol to be the contemporary standard of IAEA verification activity in connection with the Treaty.

10. Ukraine consistently implements its obligations under article III, paragraph 2, namely not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by the article. These commitments are observed through the execution of the national export control system requirements, as well as the international export control regimes in which Ukraine participates.

11. Ukraine believes that strengthening the multilateral export control regimes shall be one of the decisive guidelines to combat illicit nuclear trafficking and the illegal transfer of technologies. The national export control system of Ukraine is based on the control/trigger list and export regulations for commodities, arranged and listed in compliance with the requirements of the Nuclear Suppliers Group and the Zangger Committee. Ukraine participates in the Nuclear Suppliers Group mechanisms to share information with member States on dual-use material issues within the framework of the national export control system.

12. Ukraine supports the exchange of information on export control issues with other States and international organizations. In 2009 together with the European Union Ukraine organized an international seminar on pressing issues in the field of export control and modern challenges that face the international community in this field.

13. Ukraine constantly expands its efforts to advance the level of physical protection of nuclear materials and nuclear facilities. In 2007 Ukraine adopted the integrated plan on promotion of nuclear security in Ukraine. This plan is based on the provisions of the IAEA Nuclear Security Plan 2006-2009. Ukraine supports the efforts of States to achieve the goals of this plan on detection, prevention and response to illegal acts against nuclear facilities, nuclear materials, radioactive waste and other sources of ionizing radiation, as well as combating criminal activity in the field of nuclear non-proliferation and implementing related international standards in national legislation.

14. Ukraine became a party to the Convention on the Physical Protection of Nuclear Material in 1993, and adopted the Amendment to the Convention in 2005.

15. The physical protection system in Ukraine is constantly being improved, with the aim of fulfilling the IAEA requirements. In 2009 the Law of Ukraine, with amendments concerning the ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material, entered into force. The Law established the State system of physical protection, the design basis threat, and the physical security regime for nuclear facilities, radioactive waste and radiation sources.

16. Ukraine participated in the Washington Summit on nuclear security in 2010 and declared its decision to get rid of all stocks of highly enriched uranium by the time of the next nuclear security summit, while the United States of America will provide necessary technical and financial assistance to support this effort.

17. Ukraine welcomes the endeavours of the international community to reduce the level of the nuclear terrorism threat through the implementation of special security measures and providing effective control of sensitive materials. In 2005 Ukraine became a party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

18. Ukraine supports the activities to implement fully Security Council resolutions 1887 (2009) and 1540 (2004) on preventing non-State actors from obtaining weapons of mass destruction, their means of delivery and related materials, in particular in relation to nuclear material. In 2004 and 2005 Ukraine submitted its national report on the implementation of resolution 1540 (2004) (S/AC.44/2004/(02)/11 and Add.1) to the Security Council Committee established pursuant to resolution 1540 (2004) and offered additional information to the Committee in 2008.

Article IV

19. Ukraine supports the inalienable right of all the parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty.

20. The energy strategy of Ukraine specified the development plans of the Ukrainian nuclear industry until the year 2030 aiming to build nuclear power plants,

develop the nuclear fuel infrastructure and effectively manage the issues of radioactive waste and spent nuclear fuel.

21. Ukraine is a State party to a number of the IAEA multilateral legally binding instruments, as well as the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety, the Convention on the Physical Protection of Nuclear Material and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. Ukraine actively participates in conferences to ensure the full implementation of the aforementioned instruments.

Article V

22. In 1996 Ukraine signed the Comprehensive Nuclear-Test-Ban Treaty and ratified it in 2001. According to the Agreement between Ukraine and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the seismological station (Malyn) and the data transfer terminal (National Data Centre, Makariv) were deployed in the territory of Ukraine.

23. Ukraine actively participates in the sessions of the Preparatory Commission. In 2005 the representative of Ukraine held a position of Vice-Chairman at the Preparatory Commission session and in 2006 held the position of acting Chairman of the twenty-sixth session of the Preparatory Commission. Until 2006 Ukraine was the coordinator for activities on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty in Eastern Europe and contributed to the signing of the Treaty by all Eastern European countries.

24. Ukraine is a co-sponsor of the General Assembly resolution on the Comprehensive Nuclear-Test-Ban Treaty. Ukraine welcomes the fact that for the first time five nuclear States co-sponsored that resolution at the sixty-fourth session of the General Assembly.

Article VI

25. Ukraine stands for the active implementation of the provisions of the Treaty on nuclear disarmament by States parties, especially those which possess nuclear weapons. Ukraine supports the necessity to determine concrete steps to implement the document entitled "Principles and objectives for nuclear non-proliferation and disarmament" of 1995 and the "thirteen steps" on nuclear disarmament adopted at the 2000 Review Conference.

26. In 1994 Ukraine voluntarily forswore the world's third largest nuclear potential. Ukraine expects all nuclear-weapon States to continue to make efforts to achieve the long-term goal of full and complete elimination of nuclear weapons.

27. In this regard Ukraine welcomes the signing on 8 April 2010 in Prague of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, which superseded the START Treaty of 1994.

28. Since becoming a party to the Treaty Ukraine has been making efforts to fulfil the obligations on elimination and removal from the national territory of the strategic and tactic nuclear weapons which were inherited by Ukraine from the

former Soviet Union. As of today there are no strategic and tactical nuclear weapons in the Ukrainian territory. However Ukraine continues to stockpile 5,000 tons of solid rocket fuel in 160 rocket motors (54.5 ICBM SS-24). Ukraine needs significant technical and financial resources for the safe and ecological elimination of such an amount of rocket fuel. Lack of adequate international financial support did not allow Ukraine to fulfil its obligations by the START I expiry date. Ukraine continues its activities on the elimination of rocket fuel.

29. Attaching great importance to continuing multilateral dialogue in order to contribute to the process of full and complete disarmament, Ukraine actively participates in the work of the Conference on Disarmament in Geneva and consistently stands for the acceleration of the development of the fissile material cut-off treaty. In 2008 Ukraine, together with five other States, held a position of Chair at the Conference on Disarmament.

Article VII

30. Ukraine considers the establishment of nuclear-weapon-free zones to be a significant instrument in strengthening international peace and security, as is the enlargement of the geographical scope and universality of the non-proliferation regime. Ukraine welcomes and encourages the development and implementation of nuclear-weapon-free zone agreements in accordance with the principles determined by the Conference on Disarmament.

31. Ukraine believes that the establishment of a nuclear-weapon-free zone in the Middle East is an important and necessary step to prevent the proliferation of weapons of mass destruction in the region and contribute to regional stability. We support the necessity of finding practical steps to further implement the resolution on the establishment of the aforementioned zone of the 1995 Review Conference.

Article VIII

32. Ukraine supported the decision on the indefinite extension of the Treaty. At this stage it is necessary to improve the Treaty review process in order to ensure consistent cooperation of the parties during its implementation and an adequate response to the challenges.

Article IX

33. Ukraine considers the issue of ensuring the universality of the Treaty, and the diligent and comprehensive implementation of its provisions by all States parties to be the priority of the world community's agenda.

34. Ukraine calls upon the Democratic People's Republic of Korea to renew its implementation of the Treaty and to follow its non-proliferation commitments, taken in the framework of the Treaty. Ukraine considers that it is also important and necessary that Israel, India and Pakistan accede to the Treaty as non-nuclear-weapon States.

Article X

35. The Treaty provides the possibility for the States parties to withdraw from it under implementation of necessary procedures.

36. Ukraine believes that the possibility for the States parties to exercise their right to withdraw from the Treaty is dangerous for the goals and objectives of the Treaty. Ukraine supports the necessity to develop recommendations on the procedures for, and consequences of, possible exercise by a State party of the right to withdraw from the Treaty.

37. Ukraine considers that withdrawal from the Treaty does not affect any right, obligation or legal situation of the party created through the execution of the Treaty prior to its termination. In other words, the State will remain responsible under international law for violations of the Treaty committed prior to withdrawal.

38. It is important to ensure that all nuclear materials, equipment, technologies and facilities established for peaceful purposes of a State withdrawing from the Treaty shall be restricted to peaceful purposes only and remain subject to IAEA lifetime safeguards.